IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6107 OF 2002

Lt. Col. P. Vasavan : Petitioner

V/s.

Union of India & Anr.

(W.P. stands dismissed against R. 2

vide Addl. R's order dated 18.3.'02). : Respondents

...

Mr.S.M.Gorwadkar for the petitioner.

Mr.Suresh Kumar with Mr.S.S.Pakale and Mr.T.C.Kaushik for respondent no.1.

...

CORAM : S.RADHAKRISHNAN & S.A.BOBDE, JJ.

December 13, 2004.

P.C.:

1. Heard the learned counsel for the petitioner and respondent no.1. Perused the affidavit-in-reply dated 24.6.2004.

2. By this petition, the petitioner is seeking the relief of restoration of the post of Col. TEO SL in Regiment of Artillery and, thereafter, to consider the case of the

petitioner to the post of Full Colonel by the Section Board. It appears from the record that in view of restructuring and bifurcation of Field and Air Defence Artillery, there was no post of Colonel and this decision was taken by respondent no.1 as far back as in 1994. It appears that in the meanwhile, the petitioner himself has already retired on 30.11.2002. Under these circumstances, we do not find that any case is made out for exercising our jurisdiction under Article 226 of the Constitution of India to interfere.

3. Accordingly, the petition stands dismissed.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)